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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BREON DANTE MIMS,

Defendant.

Case No. 2:21-mj-333-BNW

**Stipulation to Continue the Preliminary
Hearing (Tenth Request)**

It is hereby stipulated and agreed, by and between Jason M. Frierson, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Katherine A. Tanaka, Assistant Federal Public Defender, counsel for defendant Breon Dante Mims, that the preliminary hearing in the above-captioned matter, previously scheduled for March 7, 2023, at 2:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties have agreed to a plea deal, have presented to the Court for review, and a change of plea hearing has been

1 scheduled for April 21, 2023. Moreover, defendant is in state custody for another crime, and
2 the government has had difficulties coordinating the transfer of custody, which caused the
3 initial delay in the change of plea. As such, the parties have agreed that the requested
4 continuance is needed to ensure defendant's appearance at the hearing.

5 2. This continuance is not sought for the purposes of delay, but to allow the
6 Court additional time to consider and review the plea agreement with defendant.

7 3. Defendant is in state custody and agrees to the continuance.

8 4. Denial of this request could result in a miscarriage of justice, and the ends of
9 justice served by granting this request outweigh the best interest of the public and the
10 defendants in a speedy trial.

11 5. The additional time requested by this stipulation is excludable in computing
12 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
13 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

14 DATED this 6th day of March, 2023.

15 JASON M. FRIERSON
16 United States Attorney

17 s/ Jim W. Fang
JIM W. FANG
Assistant United States Attorney
18 Counsel for the United States

17 s/ Katherine A. Tanaka
Katherine A. Tanaka
Assistant Federal Public Defender
18 Counsel for Defendant

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FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties have reached a plea deal, have presented to the Court for review, and a change of plea hearing has been scheduled for April 21, 2023. The Court finds good cause to continue the hearing to allow the Court additional time to consider and review the plea agreement with defendant.


2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in state custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for March 7, 2023, at 2:00 p.m. be vacated and continued to June 6, 2023 at 2:00 p.m.


HONORABLE BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE